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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1371st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 August 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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CLOSURE OF THE SESSION

The meeting was called to order at 10.15 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Communication from the Permanent Mission of Australia

1. The CHAIRMAN said that the Committee had received a communication from the Permanent Mission of Australia, giving the text of a motion of reconciliation passed by the Australian House of Representatives and Senate on 26 August 1999, as well as references to other speeches on the subject of reconciliation between the various groups in Australian society. He welcomed the communication, which he saw as a positive move by the Government of Australia, and was sure that other positive moves would follow.

Communication from the Government of Mauritania

2. The CHAIRMAN said that the Government of Mauritania had submitted comments on the Committee's concluding observations concerning Mauritania's periodic report. Those comments would be annexed to the Committee's annual report to the General Assembly, in accordance with article 9 (2) of the Convention.

Draft report of the Chairpersons of human rights treaty bodies on their eleventh meeting (document without symbol distributed at the meeting)

3. The CHAIRMAN invited the Committee to take note of the draft report of the eleventh meeting of Chairpersons of human rights treaty bodies (31 May to 4 June 1999), which he had attended in his capacity as Chairman of CERD. He had pointed out the differences in the way the Committee was treated compared with the other treaty bodies, in particular its financing arrangements and the fact that it held no sessions in New York.

4. At the meeting, it had been suggested that all treaty bodies might adopt a uniform format for periodic reports and concluding observations. He had objected to that proposal: while maximum coordination and cooperation was, of course, essential, the treaty bodies were governed by different legal instruments and could not adopt a single format for their reports.

5. The Committee took note of the draft report of the Chairpersons of human rights treaty bodies on their eleventh meeting.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FIFTY-FOURTH SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (continued)
(CERD/C/55/CRP.1/Add.4 to 24 and Add.30; CERD/C/55/CRP.2/Add.2 and Add.4)

Adoption of the Committee's annual report (continued)

Concluding observations adopted during the fifty-fifth session (continued)
(CERD/C/CRP.1/Add.4 to Add.24)

6. The CHAIRMAN said that, if he saw no objection, he would take it that the Committee wished to include the concluding observations adopted at the current session (documents CERD/C/CRP.1/Add.4 to Add.24) in the annual report.

7. It was so decided.

8. The CHAIRMAN recalled that, earlier in the meeting, the Committee had taken note of the draft report of the meeting of Chairpersons of human rights treaty bodies. If he saw no objection, he would take it that the Committee wished that fact to be reflected in the annual report.

9. It was so decided.

10. The CHAIRMAN invited the Committee to adopt the remaining sections of the annual report.

CERD/C/55/CRP.1/Add.30

11. Document CERD/C/55/CRP.1/Add.30 was adopted.

12. Mr. GARVALOV, explaining his position, recalled that during the debate on the resolution on the World Conference against Racism, which was reproduced in document CERD/C/55/CRP.1/Add.30, Mr. Shahi had expressed his views on the need for an urgent response in situations of armed conflict, where mass violations of human rights were likely to occur (operative paragraph 2 of the resolution). He agreed entirely with the views Mr. Shahi had expressed during the debate.

13. Mr. SHAHI said that amendments had also been made to operative paragraph 3 of the resolution. It was not clear to him whether the amendments had been incorporated into the version which the Committee had just adopted.

14. Mr. BANTON (Rapporteur) said that he had given his amended text of the paragraph to the Secretariat so that the changes could be incorporated. As far as he was aware, all the agreed amendments were in the text before the Committee.

15. Mr. SHAHI said that he objected most strongly to being rushed through the adoption of the report, when it was not clear whether the text under discussion was, in fact, the correct version.

CERD/C/55/CRP.2/Add.2

16. Mr. BANTON (Rapporteur) said that document CERD/C/55/CRP.2/Add.2 referred to the Committee's decision concerning communication No. 6/1995, submitted under article 14 of the Convention. The text of the decision already adopted by the Committee (CERD/C/55/D/6/1995) would be inserted at the appropriate point.

17. Document CERD/C/55/CRP.2/Add.2 was adopted.

CERD/C/55/CRP.2/Add.4

18. Mr. BANTON (Rapporteur) said that the text of Mr. Diaconu's general recommendation on demographic information would be added to document CERD/C/55/CRP.2/Add.4.

19. Document CERD/C/55/CRP.2/Add.4 was adopted.

Draft general recommendation on demographic information proposed by Mr. Diaconu (CERD/C/55/Misc.34/Rev.2) (continued)

20. The CHAIRMAN invited the Committee to adopt Mr. Diaconu's draft recommendation on demographic information (CERD/C/55/Misc.34/Rev.2).

21. Mr. DIACONU said that the phrase at the end of paragraph 1 which read: "while fully respecting the right of each person to decide freely on belonging or not to such groups" should be deleted. The paragraph would thus end "... the presence within their territory of such groups". In the last sentence of paragraph 2, the phrase "language and culture" should be replaced by "colour, descent or national or ethnic origin", in order to reflect the wording of article 1 (1) of the Convention. In the last sentence of paragraph 3, the phrase "and non-objective" should be deleted, to read "the application of different criteria".

22. The draft general recommendation on demographic information (CERD/C/55/Misc.34/Rev.2), as amended, was adopted.

Allocation of country rapporteurs (CERD/C/55/Misc.41)

23. The CHAIRMAN invited the Committee to consider the list of State party reports for which country rapporteurs were needed (CERD/C/55/Misc.41).

24. Mr. BANTON (Rapporteur) said that some members' terms of office expired in January 2000, so the Secretariat might need to recruit more country rapporteurs when the new composition of the Committee had been decided.

25. The country rapporteurs for Lesotho, Spain, Zimbabwe, Malta and Bahrain would be as indicated in the document. Ms. McDougall had volunteered to act as reserve to Mrs. Sadiq Ali for the report of Ghana. Mr. Lechuga Hevia had agreed to act as country rapporteur for Nepal. Mr. Yutzis had agreed to act as country rapporteur for Denmark and Estonia. He himself would act as country rapporteur for France. The country rapporteurs for Tonga and Rwanda should be appointed after elections to the Committee had been held in early 2000.

26. In respect of the report of Australia, he suggested that Mr. Nobel, who had been unable to attend the present session, should be asked to act as country rapporteur. There had been some question of dividing the task of country rapporteur among several members: if Mr. Nobel wished, Ms. McDougall was willing to be responsible for the land rights issue in respect of Australia, and he himself would deal with housing and health.

27. The CHAIRMAN, making a general point, questioned whether it was necessary for the Committee to choose country rapporteurs for periodic reports that it had not yet received. He reminded the Committee that the designation of country rapporteurs was simply intended to facilitate and streamline the work of the Committee, for example by avoiding repetition in its proceedings. The Committee did not officially appoint country rapporteurs, but merely sought volunteers among its members to facilitate its consideration of the situation in certain countries. There was no formal or official status for country rapporteurs in the rules of procedure or the Convention. They could make suggestions and raise points, but that they were in no way entitled to speak on behalf of the Committee.

28. Mr. SHERIFIS said that as far as he understood the Committee had decided to discuss the point relating to country rapporteurs at a subsequent session. The problem in hand was for the Committee to designate a single rapporteur, either Mr. Nobel or Ms. McDougall, for Australia.

29. Mr. BANTON, in reply to a question put by the CHAIRMAN, said the reason for the change of rapporteur for Australia was that it had previously been decided that one member should not serve twice in succession as rapporteur for the same country.

30. Mr. SHERIFIS said that, although he agreed with Mr. Banton with respect to subsequent periodic reports, the Committee had already decided to continue consideration of the situation in Australia during the next session. In the interests of continuity, therefore, he suggested that the same country rapporteur, Ms. McDougall, should be assigned to the matter at the next session.

31. The CHAIRMAN agreed that continuity was important. Moreover, Mr. Nobel had not been present at the current session and could not be expected to follow up on the Committee's discussion of the matter. In his capacity as Chairman, he would prefer if Ms. McDougall would continue to be the country rapporteur.

32. Mr. YUTZIS supported that view. There was no need to change the rapporteur. For States such as Australia, which were subject to continued review by the Committee, the same rapporteur should follow the case through.

33. Mr. RECHETOV said he did not fully agree with Mr. Yutzis. He recalled that there had been a change of rapporteurs in the case of Yugoslavia, which had been subject to the review procedure for a number of years.

34. Mr. BANTON said that when the Committee had first decided that the position of rapporteur for a given country should rotate among its members, the inter-relationship between cases considered under the early warning and prevention procedure and those considered in the context of the periodic reports had not yet arisen. He understood the views of his colleagues, and said he was pleased that Ms. McDougall was willing to continue to be the rapporteur for the consideration of Australia's periodic report.

35. He had not, in proposing the division of labour, intended to contradict anything which had been said by the other Committee members concerning time-limits. The Committee must organize its work so as to make possible a thorough consideration of the country reports within a limited period of time.

36. The CHAIRMAN said he took it that the Committee had decided that Ms. McDougall would continue to be rapporteur for the consideration of Australia's periodic report.

37. It was so decided.

38. Mr. BANTON, addressing the matter of the review procedures, suggested that the usual letters should be sent to all those countries listed in the relevant section of the document, except of course for those countries which had already received such letters. The Committee would inform them that it hoped to conduct a review of the situation in their countries during the

course of the year 2000, without specifying at which session. Past experience would suggest that virtually all would ask for postponements. The matter would therefore best be handled by the secretariat.

39. Some Committee members had already volunteered to serve as rapporteurs for certain countries, but the Committee should wait to designate them until the replies were received. It might be noted merely that Mr. Rechetov had indicated a willingness to consider the report of Greece, Mr. Valencia Rodriguez and Ms. McDougall had said they would help with the report of Uganda and Mr. Yutzis had volunteered to work on the report of the Holy See.

40. Addressing the question of prevention, he said the Committee had taken a specific decision concerning the Democratic Republic of the Congo. The Committee should see how the situation stood in February and March of 2000 before considering how best to give time to that question.

41. Ms. McDOUGALL said she felt the phrase "No States listed at present" under the heading "Prevention" was not accurate. If the Committee was not ready and willing to include Australia in the list as she had suggested, the section would best be deleted.

42. The CHAIRMAN pointed out that a report had been received from Australia, which made it difficult to include that country in a list of States covered by the prevention procedure. Furthermore, the document in question had no official status and would probably never be reprinted. However, if it were to be reprinted, he noted that the section on prevention should be deleted.

43. The Committee should specify that a final decision on the country rapporteurs and the list of countries to be considered would be finalized in the light of the forthcoming elections of members of the Committee. The mandates of most of the members who had volunteered to serve as country rapporteurs were due to end in 2000. He said he hoped in any case that the composition of the Committee would change, so as to include more representation of members from African States. It would be best to leave the question in abeyance.

44. Mrs. SADIQ ALI noted that Senegal did not figure on the list.

45. Mr. BANTON explained that the State party had requested a postponement until a report could be submitted.

46. The CHAIRMAN requested that the secretariat circulate the appropriate lists to the Committee members as soon as the elections had taken place. A letter addressed to the United Nations Secretary-General had been prepared by Mr. Banton, and it would explain the contents of the report. Any Committee members interested in seeing it could do so through the secretariat.

47. Noting that there were no further comments on the document, he took it that the report as a whole had been adopted by the Committee.

48. The report was adopted.

STATEMENT BY MR. RAMCHARAN, DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

49. The CHAIRMAN, introducing the Deputy High Commissioner for Human Rights, thanked him for the assistance the Committee received from the Office of the High Commissioner for Human Rights. The Committee required further support, and in particular more staff, to ensure that it could discharge its duties properly. He had been surprised to note, during the meeting of persons chairing human rights treaty bodies, that the Committee was serviced by only one and a half posts within the secretariat, while other treaty bodies were given much more attention.

50. Despite the lack of resources, and thanks in large part to the incredibly effective work done by the staff assigned to it, the Committee had maintained the best record of timely consideration of reports among the treaty bodies, and had even considered situations in States in the absence of reports. He invited the Deputy High Commissioner for Human Rights to address the Committee.

51. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said the Convention had been the first among the human rights conventions to be adopted and to come into force. It had, by establishing the Committee, blazed a trail within the United Nations and represented a major step forward in building international standards for human rights which could inspire national systems for the promotion and protection of those rights. He recalled the major battle fought by Mr. George Lamptey and others to ensure that article 14 of the Convention would be included in the instrument.

52. The Committee itself had a special place within the United Nations human rights programme, as it had been the first to develop reporting mechanisms and to introduce prevention procedures. It operated at the frontier of concerns addressing human rights and peace within and among States.

53. Both he and the United Nations High Commissioner for Human Rights understood the needs of the Committee. The High Commissioner had requested and obtained the support of the United Nations Secretary-General for six, and possibly seven, additional posts for her Office in the next budget, of which two would be assigned to supporting the treaty bodies. The High Commissioner also intended to issue an appeal to member States and others to underwrite a pool of resources to fund seven additional posts for the Office. It was hoped that the pool would be able to sustain that support for a number of years.

54. The CHAIRMAN thanked the Deputy High Commissioner for Human Rights for his kind words and his pledge of support.

CLOSURE OF THE SESSION

55. After the customary exchange of courtesies, the Chairman declared the fifty-fifth session of the Committee closed.

The meeting rose at 11.30 a.m.